

### Remarks

This Amendment and the accompanying Request for Continued Examination (“RCE”) are being filed in response to the final Office Action mailed July 13, 2004. A check for \$790 to cover the RCE filing fee payment is included with this Amendment. If necessary, please charge any other fees for entry of this Amendment and RCE to our deposit account no. 03-3415.

The Specification has been amended to correct errors noted in a detailed study thereof. Claims 1-37 are cancelled. Claims 38-44 were withdrawn in a previously filed paper. Claims 45-48 are cancelled. Claims 49-55 are pending.

The Examiner has rejected applicants' claims 49-55 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the Yamagata, et al. (U.S. 5,719,984) patent in view of the Shimada, et al. (U.S. 4,575,772) patent. The Examiner has also rejected applicants' claims 49, 51-52 and 54-55 under 35 U.S.C. §102(b) as being anticipated by the Shimada, et al. patent. Applicants' claims 50 and 53 have been further rejected under 35 U.S.C. §103(a) as being unpatentable over the Shimada, et al. patent. These rejections are respectfully traversed.

Applicants' independent claims 49 and 54 recite superimposing the image information and the ID data read out from the recording medium, wherein the superimposing means or step has a first mode in which first type data contained in the ID data is superimposed with the image information and a second mode in which the first type data and second type data contained in the ID data are both superimposed with the image information, and wherein the position in which the first type data is superimposed on a display screen in the first mode and the position in which the first type data is superimposed on the display screen in the second

mode are different from each other in a reproducing mode for reproducing the image information and the ID data. Applicants' independent claims 51 and 55 recite superimposing the information signal with the character information...to output the information signal superimposed with the character information to the display device, wherein the control means or step varies, depending on the display mode, the position at which the character information is displayed, even when the character information is not changed in a reproducing mode for reproducing the information signal and the ID information.

In rejecting applicants' claims 49-55 under the judicially created doctrine of obviousness-type double patenting, the Examiner has acknowledged that claims 1 and 2 of the Yamagata, et al. patent do not teach superimposing the image information and the ID information read out from the recording medium. The Examiner has cited element 20 in FIG. 1, col. 4, lines 1-21, col. 5, lines 16-63, and col. 1, lines 42-52 of the Shimada, et al. patent as teaching the superimposing means and the features of the superimposing means recited in applicants' independent claims 49, 51, 54 and 55.

Moreover, in response to applicants' previous arguments, the Examiner has stated as follows:

“...Shimada et al. discloses in col. 3, lines 7-11 that 'Then the operator, watching the monitor screen, applies a command through a superimpose command input terminal (29) at a desired position for insertion of the character video signal.' From the above passage, it is clear that the operator can selected the desired position for inserting the character video signal. Since position for insertion of the character video signal can be selected by the operator, the position of the character information on a display, depending on the mode, in a reproducing mode for reproducing the image information and the ID information can be varied as required by the claimed invention.”

Applicants have reviewed the cited passages of the Shimada, et al. patent and respectfully disagree. Particularly, column 3, lines 7-11 of the Shimada, et al. patent do not

disclose or suggest that an operator is capable of controlling the position at which the data is superimposed on a display screen in a reproducing mode for reproducing the image information and the ID data. Rather, the cited passage teaches a recording mode of superimposing character video data on the tape. (Col. 2, lines 66-68).

Specifically, column 3, lines 7-11 disclose that a previously recorded video signal is reproduced to be displayed on a monitor screen and that the operator watching the screen then applies a command through a superimpose command input terminal at a desired position for insertion of the character video signal. Column 3, lines 11-15 of the Shimada, et al. patent go on to state that “[i]n response to [the operator’s] command, the digital character signal read out from the video RAM (10) is fed via the channel change-over circuit (5) to the PCM processing circuit (6), where the [superimposing] processing is executed.” From these passages of the Shimada, et al. patent, it is evident that the operator’s command controls the position at which the character video signal is inserted on the tape, and there is nothing taught or suggested in the Shimada, et al. patent of controlling the position of the character signal on the display screen, as required by claims 49, 51, 54 and 55.

As noted above, the cited Shimada, et al. patent teaches superimposing character video data on the tape with recorded video signal during a recording mode. (Col. 2, lines 66-68). According to the applicants’ invention, however, data is superimposed in a reproducing mode for reproducing the image information and the ID data on a display screen. Applicants’ invention further teaches that the position at which the character information is superimposed on the display screen is varied according to the display mode in the reproducing mode. Applicants submit that the Shimada, et al. patent does not teach or suggest these features.

The cited portions of the Shimada, et al. patent, namely, column 4, lines 1-21; column 5, lines 16-63; and column 1, lines 42-52, fail to support the Examiner's position. Particularly, column 1, lines 1-21 of the Shimada, et al. patent teach that when the superimpose recording mode is "01", the output signal of the video RAM is recorded in a first track portion (DATA 1) of a tape, while in a "11" superimpose recording mode, the character video signal is recorded in the first track portion (DATA 1) and a second track portion (DATA 2) of the tape. Column 5, lines 16-63 of the Shimada, et al. patent teach the manner in which the recorded character video signal is reproduced. In particular, the Shimada, et al. patent teaches that when a bit pattern "11" is detected, the character video signal at a 5E timing is stored in video RAM, converted to analog form by a D/A converter and then sent together with the playback signal to a switching/mixing circuit (20). The switching/mixing circuit then sends to the video output terminal either the character video signal alone or the character video signal in combination with the playback video signal. The Shimada, et al. patent further teaches that the signal change-over and mixing actions of the switching/mixing circuit are controlled by an external signal and the signal received from the ID detector circuit. (Col. 5, lines 54-59.) However, the Shimada, et al. patent does not explain how the controlling of the switching/mixing circuit is performed. Accordingly, the Shimada, et al. patent is silent as to changing the superimposing position of the first type data on the display according to whether the second type data in the ID data is also superimposed or of varying position of the character data at which such character data is displayed on the display device depending on the display mode in a reproducing mode for reproducing the image information and the ID data.

In summary, the Shimada, et al. patent does not teach or suggest a superimposing means having a first mode in which first type data contained in the ID data is superimposed with the image information, and a second mode in which the first type data and second type data contained in the ID data are both superimposed with the image information, wherein the position at which the first type data is superimposed on a display screen of the display device in the first mode and the position at which the first type data is superimposed on the display screen in the second mode are different from each other in a reproducing mode for reproducing the image information and the ID data. The Shimada, et al. patent also does not teach or suggest a control means for changing the superimposing position on a display screen of the character information superimposed by the superimposing means according to a display mode, wherein the control means vary, depending on the display mode, the position at which the character information is displayed, even when the character information is not changed in a reproducing mode for reproducing the information signal and the ID information.

Applicants' independent claims 49, 51, 54 and 55, and their respective dependent claims, all of which recite one or more of the above features, thus patentably distinguish over the Shimada, et al. patent.

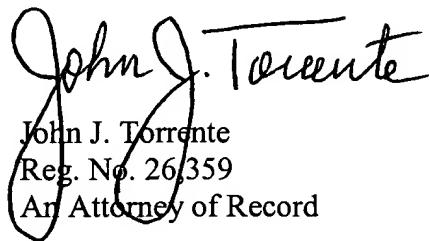
Also, applicants submit that the above arguments are presented not to merely repeat what applicants have argued in previous responses, but to attempt to better point out where the Examiner has misconstrued the cited references as disclosing the specific features in applicants' claims, which are believed to patentably distinguish over the cited references.

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record and it is submitted that this application is now in condition for allowance.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9273.

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Respectfully submitted,



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